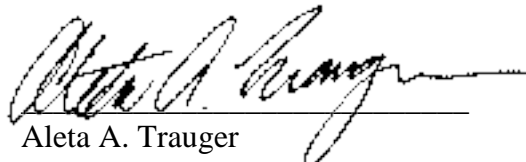


opportunity to pass upon and correct alleged violations of its prisoners' federal rights. Wilwording v. Swenson, 92 S.Ct. 407, 408 (1971). This means that as a condition precedent to seeking federal relief, the petitioner's claims must have been fairly presented to the state courts. Rose v. Lundy, 102 S.Ct. 1198, 1205 (1982). Once the federal claims have been raised in the state's highest court, the exhaustion requirement is satisfied, even if that court refused to consider them. Manning v. Alexander, 912 F.2d 878, 883 (6th Cir.1990).

The burden of showing compliance with the exhaustion requirement rests with the petitioner. Darr v. Burford, 70 S.Ct. 587, 597-598 (1950); Clounce v. Pressley, 640 F.2d 271, 273 (6th Cir.1981). Since the petitioner was “tried” a short time ago, he has obviously not had an opportunity to fully exhaust his federal claims in the state courts prior to filing this action.

When a habeas corpus petitioner has failed to exhaust all state court remedies for each claim in his petition, a district court is obliged to dismiss the petition. Rose v. Lundy, supra, at 102 S.Ct. 1205. Therefore, an appropriate order will be entered dismissing the petition without prejudice to petitioner's right to pursue any state court remedies which might be available to him. Rule 4, Rules --- § 2254 Cases.


Aleta A. Trauger
United States District Judge